

Whistleblower Intake Checklist

This document aims to help House offices identify key steps to take before, during, and after their communications with whistleblowers. For further guidance, contact the Office of the Whistleblower Ombuds and review its manual: *Best Practices for Working with Whistleblowers*.

In Advance:

- ☐ **Know Your Office's Procedures:** Familiarize yourself with your office's whistleblower protocols/case management process.
 - Understand your office's intake method(s) (e.g. Web-Based Forms, Email, Phone, In-Person)
 - Review the case management steps (Intake, Prioritization, Referral, Follow-Up)
 - Identify protocols to keep communications secure, including a secure tracking system and proper handling of sensitive information
- ☐ **Know Your Limitations:** To manage expectations, understand any limitations around what your office can do. Do not commit to an action or timelines if you are not sure you can deliver.
 - Understand how your office decides to pursue a disclosure (e.g. priority issue, jurisdiction)
 - Know the bounds of what information your office can receive (e.g. lawful channels for handling classified information), and how the information may be used (e.g. oversight letter)
 - Know the general bounds of the support you can preview, to prevent overpromising
 - Have a sense of your office's timelines and potential outcomes

Key Resources: *Manual Modules 2 & 3; Manual Appendix A: Whistleblower Case Management Intake Workflow*

During Communications:

- ☐ **Discuss Disclaimers and Ground Rules:** Share key disclaimers upfront and develop ground rules you and the whistleblower will follow around the use of their information.
 - Advise the whistleblower not to submit classified information or other information barred from release through unsecure channels
 - Caution the whistleblower against communicating with you through their work resources (e.g. electronic device, email, while on the clock)
 - Discuss whether the whistleblower wants to be a confidential or public source; inform them of their right to confidentialityⁱ
 - Share your office's confidentiality practices, but be transparent about limitations (e.g. never 100% secure due to factors beyond office's control, such as external surveillance threats)
 - Discuss boundaries around use of information, and obtain consent before sharing

ⁱ Clause 21 of Rule XXIII (House Code of Official Conduct), prohibits the House from publicly disclosing the identity of, or personally identifiable information about, an individual who has engaged in protected whistleblowing with Congress. Limited exceptions exist, such as the individual's express prior written consent to the release of their identity.

- Preview that before acting on information (e.g. sending a letter, using in a hearing), you will seek the whistleblower's review for accuracy and to screen for identifiable information
 - Be upfront about your office's foreseeable limitations to prevent overpromising (e.g. where applicable: "Due to limited bandwidth we may not be able to pursue your case, but we may be able to provide referral options, 'survival tips,' and inform you of relevant laws")
- **Ask Prepared Questions:** This will allow you to capture key information during your initial conversation and lay the groundwork for further examining the whistleblower's allegations.
- Do you have a lawyer, and do you prefer we communicate through your lawyer?
 - What is your employment status and position, and who is your employer?
 - Describe the issue you want to disclose and your goals in working with our office
 - How did you obtain this information, and are there legal limitations around its release?
 - How would we safely obtain supporting documentation?
 - Do you have colleagues who can corroborate or support your disclosure?
 - Have you filed your disclosure elsewhere? If so, where, and what is the status of any related investigation?
 - Are you a constituent of this Member; have you contacted other offices?

Key Resources: *Manual Modules 2 & 3; Manual Appendix C: Model Intake Form*

As Follow-Up:

- **Share Resources:** You can help to ensure the whistleblower is better off for having contacted your office by sharing early guidance, even if you do not work further on their case. However, make clear you are not doing so as their legal counsel.ⁱⁱ
- If they do not already have counsel, advise them to obtain an experienced attorney
 - Share a menu of governmental and nongovernmental referral options
 - Share Whistleblower Survival Tipsⁱⁱⁱ
 - Identify the applicable law(s)
 - Share additional Whistleblower Resources^{iv}

Key Resources: *Manual Modules 2 & 4; Manual Appendix D: Referral Tip-Sheet; Ombuds website: "Whistleblower Resources"*

ii The Office of the Whistleblower Ombuds provides confidential assistance to House offices in responding to whistleblowers.

iii https://whistleblower.house.gov/sites/whistleblower.house.gov/files/whistleblower_survival_tips.pdf.

iv <https://whistleblower.house.gov/whistleblower-audience>.